THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.6672 OF 2007
(On being mentioned)

ORDER:

The petitioner is represented by his General Power of Attorney. The GPA states that he is the owner and possessor of the land admeasuring Ac.632.96 cents in Sy.No.1, situated at Mandanapalayam Shrotrieum Village, Satyavedu Taluk, 258, Chittoor District, and that he intended to sell the said property and entered into an agreement of sale with the intending purchaser. According to him, the agreement of sale executed by him was presented to the respondent, for registration. His grievance is that the respondent is not accepting the document for registration,
on the ground that the land is recorded as Government land in the revenue records. This writ petition is filed seeking appropriate directions to the respondent in this regard. The petitioner submits that his predecessors-in-title were granted riotwari pattas under the Estates Abolition Act, several decades ago, and the same was upheld in subsequent proceedings.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

Section 22-A of the Registration Act, 1908 (for short 'the Act'), empowered the Government to prohibit registration of documents, in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires,* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]. This Court followed the same in several judgments. When the very source of power of the Government, under Section 22-A of the Act, is no

longer subsists, the mere fact that certain entries are made, indicating the land as Government land, would not come in the way of the petitioner, exercising his rights over the land. At any rate, the Registering Authority has no jurisdiction to undertake verification of such facts.

Hence, the writ petition is disposed of, directing the respondent to receive and process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.19-04-2007.

Gj/ko

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77